

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**FILED
IN CLERKS OFFICE**

: 2005 FEB 10 P 1:08

ANTHONY BAYAD ,

Plaintiff ,

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

JOHN CHAMBERS, PATRICIA
RUSSO, ANTHONY
SAVASTANO and CARL
WIESE,
Defendants ,

**PLAINTIFF 'S MOTION
REQUESTING THE HONORABLE JUDGE O'TOOL AND HONORABLE
CHIEF MAGISTRATE BOWLER PRESIDING TO INTERVENE AS MATTER OF
RIGHTS AS JUSTICE PRESCRIBED**

1. EXHIBITS HERETO ATTACHED

The following Exhibits are attached HEREIN and DOCKETED before this Honorable Court January 31, and February 7 and 8 of the year 2005 :

- A. NOTICE OF ABUSE TACTICS AND DISOBEDIENCE OF RULE OF LAW
(Federal Rule of Civil Procedure: 26,33, 34, and 36)
- B. MOTION TO GRANT PALINTIFF ALL RELIEF OF DAMAGES SOUGHT
AGAINT CHMABERS ET.,AL.,
- C. SECOND MOTION IN SUPPORT TO PALINTIFF MOTION TO GRANT ALL
RELIEF OF DAMAGES SOUGHT AGAINST CHAMBERS ET.,AL.,
- D. THIRD MOTION OF ATTORNEY BRUCE E. FALBY' STATEMENTS SET ON
THE RECORDS BEFORE THIS COURT ON 2/7/05 IN SUPPORT TO PLAINTIFF
MOTION TO GRANT ALL RELIEF OF DAMAGES SOUGHT AGAINST
CHAMBERS ET.,AL.

- E. EXHIBIT ATTACHED HERETO MARKED NUMBER 8 IN SUPPORT TO PLAINTIFF ' CLAIMS SET FORTH IN HIS COMPLAINT AND HIS MOTION TO GRANT ALL RELIEF OF DAMAGES SOUGHT AGAINST CHAMBERS ET.,AL.,.

2. RESPECTFULLY HEARING REQUESTED

This honorable Court has duty and obligation to provide Plaintiff Bayad with a full and fair hearing before dismissing on an issue or Motions raised Sua Sponte as matter of right as Justice prescribed.

3. STATEMENT OF FACT

Defendants and their attorneys are conducting a fishing expeditions as fact are shown in the Exhibits hereto attached :

- a) They Introduced a well designed discovery schedule without Plaintiff involvement or consent surprisingly to this Court and to Bayad and they did not live to it nor comply with the Rules of law of this Court the Rules of Civil Procedures.
- b) They did not produce any documents accordingly to the Rule of Civil Procedures the Rule 16 and 26 and the only documents that they produced is the Sensitive List called the **CISC-NO-HIRE-LIST** that did not exist and now it exist and was produced, where Defendant Savastano during his Employment at Cisco Systems, posted Bayad 's name in it , outside the scope of his duties and Rules of Cisco, as it is an outrageous act of Violation of the Law and Cisco Business Code of Ethics and its Business Guidelines.
- c) They requested this Honorable Court to halt with prejudice the Discovery (this Honorable Judge Presiding ordered as matter of Right) because they were "**thinking**" to introduce a Motion of Summary Judgment because they believe that Bayad was wrongfully terminated with two other White Employees during his employment at Cisco Systems, and their **Opinion** is believed to satisfy their defense in this case as NO GENIUES ISSUES EXIST AS THE CISCO-NO-HIRE LIST did not exist; and, in Notice Bayad will SQUASH their argument where

he has CONCRETE DIRECT EVIDENCES that will establish all his counts in his complaint, as in the Event his motions introduced herein are not granted as it will be granted , and at this time Bayad cannot provide more info In fear ness to give the Defendants hints as they are desperately throwing everything at this Court and this include all communications between Bayad and the Attorneys and not of any Cisco Employees or Defendants , all the communication are very emotional as a prove of the **Impact** of Racism and the abuse executed upon Bayad while he was working with Defendants at Lucent Technologies and now at Cisco Systems , and ABSOLUTELY none of them are threatening as the ATTORNEYS have exaggerated and states in their Protective order introduced to this Court that Grant it to them , used as a tactics to evade the Discovery and Depositions, and to portray Bayad as a Criminal, Terrorist, Mentally Retarded (Defamation) , and out of Control, as again They have exaggerated in their Protective Order. (It is a shame).

d) They are at present time (A SIGN OF SMOKING GUN) desperately looking for favors and ways to play with rule of Laws as they are very SUPER STARS in doing, taking advantage of Plaintiff situation proceeding Pro Se and by Ruling the Court to converts a **Rule 12(b)** dismissal into a **Summary Judgment Motion** through taking into account facts outside the pleading then it must give the parties notice and an opportunity to be heard. **Rule 12 (b) Jacobson v. A.E. Capital Corp. 50 F.3d 1493, 1496 (9th Cir. 1995).**

CONCLUSION

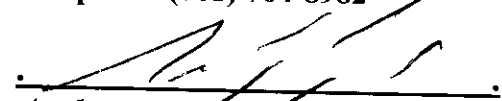
The Supreme Court argues IN MANY CASES that if the Defendants or Plaintiff as Bayad 's failure to raise the issues and objections, facing/pending in his litigation now before this Honorable Court in his motions or issues of matters not decided , constitutes waiver of his right to raise it in his Motions to be heard and decided by this Honorable Court. Also we cannot allow Defendants or Attorneys to Rule this Court or looking for any routes to Evade the Rules of Law

simply the fact Bayad is proceeding Pro Se and a U.S Citizen Native of Morocco; And we must apply across the board the Equality, Fairness and Justice that are always been Provided By this Honorable Court , Honorable Judge George O' Tool and Honorable Chief Magistrate Judge Bowler, as Bayad have sat and attended many of your Court Hearing Conducted in this Honorable Court , have Shown Plaintiff Bayad that **YOU are Honorable, Persons of HIGHEST INTEGRITY AND HONOR OF RESPECT as you have** provided at the present and past times for every one (Defendants or Plaintiffs or Pro Se) in your Court room with Fairness to the Law and as prescribed by the Rule of Law and the Honored LADY SCALE OF JUSTICE (**without looking at the litigants on account of race, ethnicity, gender, religion, national origin, disability, martial status, sexual orientation, age, socioeconomics status, employment, or physical characteristics**), and as **THE TORAH (OLD TESTAMENT) COMMANDS “ JUSTICE WE SHALL PURSUE” .**

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of Second **MOTION IN SUPPORT GRANTING PLAINTIFF ALL RELIEF OF DAMAGES SOUGHT AGAINST CHAMBERS ET,AL.** was furnished via U.S. mail to : Bruce E. Falby, BBO #544143, PIPER RUDNICK LLP, One International Place, Boston MA 02110, this 10. day of February 2005 .

ANTHONY BAYAD, PRO SE
2 Magoun Avenue
Medford, MA 02155
Telephone (781) 704-8982


Anthony Bayad

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2005 JAN 31 A 8:43

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

ANTHONY BAYAD ,

Plaintiff ,

JOHN CHAMBERS, PATRICIA
RUSSO, ANTHONY
SAVASTANO and CARL
WIESE,
Defendants ,

NOTICE
OF ABUSE TACTICS AND DISOBEDIENCE OF RULE OF LAW
Federal Rule of Civil Procedure: 26, 33, 34, and 36

TO :

Mark Chandlers lead counselor
Robert J. Mathias Chairman
Bruce E. Falby partner
Robin Tarr partner
Lisa Good Heart partner
Firm of Piper Rudnick and Gray Cary
One International Place,
21st Floor Boston, MA 02110

Misconduct of Attorneys as you (Chandlers, Mathias, Falby, Tarr, and GoodHeart,) shall not engage in conduct in connection of practice of law that is prejudicial to the administration of justice, include to knowingly or through callous indifference, disparage, humiliate, or discriminate against litigants as Bayad Pro Se, jurors, witness, court personnel, or other lawyers on any basis, include, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, martial status, sexual orientation, age, socioeconomic status, employment, or physical characteristics;

You are prohibited to obstruct a civil legal proceeding by altering evidence, evading legal process by destroying evidence in this proceeding. You have destroyed evidence once before and **now** you must refrain your self from destroying the **Cisco Sensitive List so called CISCO-NO-HIRE-LIST**, where Defendants posted or classified or announced Plaintiff Bayad ' name in this list, as follow : **DO NOT HIRE/PROMOTE/TRANSFER ANTHONY BAYAD EMPLOYEE ID#7399, SHOULD YOU HAVE QUESTION CONTACT TONY SAVASTANO (defendant).**

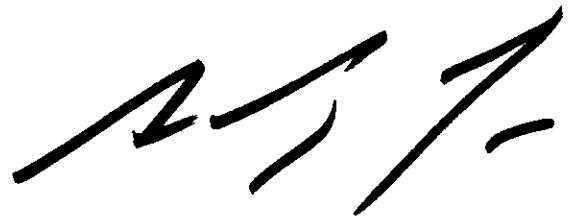
You are commended by law to comply with the Federal Rules of Civil Procedure that [y]ou intentionally ignored in order to evade the answer of Plaintiff Request for admission to defendants Chambers , Wiese, and Savastano, as you are an attorneys and an officers of the Court and a Partner of a firm of revenue of 1 Billion dollars a year, the firm of **Piper Rudnick Gray Cary**; You must obey the Rule of Law and comply by the law of this Court , and to the instruction that plaintiff provided you in his request of admission to Defendants , which stated clearly that within the time provided for in **Rule 36, Fed. R. Civ. P.** and in accordance with said Rule (**Rule 36**), you shall serve upon Plaintiff a written answer or objection addressed to each matter set forth under “ **Request of Admission**” Every matter **not responded** to within the time (**30 days and not 68 days** as you have done), provided for in **Rule 36, Fed. R. Civ. P.**, **is admitted** as **you have failed** to comply with said rule and all your responses were **established** and **admitted** because of your failure to comply with the Rule of Law, as it is very offending to the Rule of Law and to this honorable Court; The fact show Plaintiff proceeding Pro Se have complied with all the request served by you and your Defendants, in accordance with said Rule. You must not forgot that you designed the discovery schedule without Plaintiff cons cent or involvement , and you introduced it surprisingly to Plaintiff and to the court at the Pretrial hearing , and you did not comply with your own discovery schedule and the time set forth in your own schedule discovery docketed before this Court . (it is a clear abuse of power)

You have failed to comply with the **Rule of Civil Procedure Rule 26 and 34**, which describe of disclosing documents or producing documents to other party (as Bayad) , making them available for inspection and copying the documents that you intent to use at the trial or in this litigation or any other evidentiary materials you may have, and not protected by client attorney- privilege, or protected from disclosure; Intentionally you have failed to provide such documents to the plaintiff accordingly to said rules, and again **Plaintiff Bayad proceeding Pro Se** have **complied fully** with said Rule, by producing to you about 400 pages of Exhibits that plaintiff will use at the trial according to the 7th amendment of the constitution.

You have failed to cooperate with **Notice of Deposition** serve to you on December 13, 2004 , to provide the time and place of such meeting, knowingly Plaintiff provided you with a time notice of 60 days, and you failed to respond; Your argument or opinion in response to Depositions of Defendant as you made it very clear to Plaintiff Bayad , that you will not allow it to take place in this litigation because Plaintiff is Pro Se from Morocco, and you are ignoring the fact Plaintiff is an American and a citizen of this land as YOU and your Defendants; Additionally you are trying to send a message to other Defendants who will in future found them selves in Violation of people ' civil Rights set for by Congress in the U.S Constitution, as you made it clear that if you are a Defendant (as Chamber , Savastano, and Wiese) , you are Immune of any liability in any Federal Proceeding simply because you are a Managers or Executives of a Company and with the same Characteristics of a White person as Chambers, Savastano, and Wiese. Your misconduct in this litigation is **very offending to the Law** of This land and to this Honorable Court. There are no Rule of Law nor Memorandum of law in any Law library , nor in Case Law Research as Westlaw , or Lexus that evidence your opinion , and opinion of attorney as yours is not a records in Federal Court or any Federal Proceeding , then you must comply with law .

You must not take advantage of Plaintiff situation (Pro Se), nor of his health, nor of his economical Status, nor of his race, and you must not ignore your legal duty and responsibility, as you should review the professional Ethics set forth by the Bar and the General Rule 11 of pleading in particular, was re-written in an effort to deter dilatory or abuse of tactics as yours and frivolous Motion as you are planning to introduce as a baseless Rule 56, knowingly Plaintiff provided you with **CONCRETE EVIDENCE** as there are uncounted genius issues that must be decided by Jury accordingly to the 7th amendment of our United States Constitution.

At this time you must stop interfering with Plaintiff Bayad ' right of due process, based upon the conduct exemplified in this litigation , you (Chandlers, Mattias , falby, Tarr, and Goodheart) have not complied fully with the Rule of Law and you are offending the Rule of Law, by showing in the beginning of discovery issued that arises in this litigation is being incredible disobedience and contentions.


Anthony BAYAD
2 MAGOVN Ave
Hopedale, MA
02153

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of Plaintiff
OF ABUSE TACTICS AND DISOBEDIENCE OF RULE OF LAW Federal Rule of Civil
Procedure: 26, 33, 34, and 36 to Defendant Anthony Savastano was furnished via U.S. mail to : Bruce
E.Falby, BBO #544143, PIPER RUDNICK LLP, One International Place, Boston MA 02110,
this ____ day of January 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

ANTHONY BAYAD,

Plaintiff ,

JOHN CHAMBERS, PATRICIA
RUSSO, ANTHONY
SAVASTANO and CARL
WIESE,
Defendants ,

**MOTION TO GRANT PLAINTIFF ALL
RELIEF OF DAMAGES SOUGHT AGAINST CHAMBERS ET.AL.**

(Every matter not responded to within the time provided for in Rule 34 and 36, Fed. R
.Civ. P., is admitted).

Relief sought by Plaintiff

Plaintiff request the relief of damages sought in his complaint to be granted or as deemed
and appropriated by this Court as prescribed of justice and the law; and declare defendants in
violations of his rights; to grant him relief for inherently indefinable losses as "pain and
suffering " must be set by tier of fact as deemed appropriate by this court in its own decision or
with a decision of a Jury as Justice required.

Statement of Fact

On about **"November 23, 2004"** (the response should be served on December 23 2004, but absolutely not **January 28, 2005**), Plaintiff Bayad Pro Se and pursuant to **Rule 36, Fed. R. Civ. P.**, propounded **the Request for admission upon Defendant John Chambers** to be responded to in accordance with Said Rule, within the time prescribed by said Rule (the time prescribed is **30 days** and **not 68 + days**). Plaintiff Bayad **also instructed** defendant Chambers as stated in the Request of Admission served to him as Follows:

" Within the time provided for in **Rule 36, Fed. R. Civ. P.**, and in accordance with said Rule, you shall serve upon Plaintiff a **written answer or objection** addressed to each matter set forth below under "**Request Admission**" Every **matter not responded to within the time provided for in Rule 36, Fed.R.Civ.P., is admitted**".

Additionally Plaintiff also propounded **the Interrogatories and the request for admission** on **December 13 , 2004** (to be answered and served on the **January 13 2005 , but absolutely not January 24 , 2005**) to Defendants **Wiese and Savastano ,** in accordance with Defendant Attorney Bruce Falby instruction and time dead lines, introduced by him to Plaintiff and to the Court, what he called **the Piper Rudnick Gray Carry 'schedule of discovery.**

Discussion

Defendants willfully ignored the process of the court and the Federal Rule of Civil Procedure of time limitation said set forth by said Rules , 34, and 36, and the time to otherwise answer has **expired** and had not been **extended**. Defendants Savastano and Wiese served their answer **on about January 24, 2005** , over the time prescribed by said Rule or set by both parties, and Defendant Chambers served his answer separately using other mean of delivery as the hand delivery and not the US. Postal Services to evade the stamp or the seal of the U.S Postal Services, **on about January 28, 2005 not as prescribed by said Rule (30 days and not 68 +).**

Defendants and their attorneys must understand that this Court has construed deadline and rules that litigants and attorneys must follow and obey, the Court also provided in its premises the so Called **the Night Box** to meet the deadlines of Filing as prescribes by the Rule of Law. Additionally **Fed. Fed. R. Civ. P 34 and 36 prescribed** of every matter not responded to within the time provided in said **Rule 34 and 36 of Fed. Fed. R. Civ. P** is **admitted no exception to both parties.**

Conclusion

This honorable Court must not allow of "**any**" Defendants and this include the Plaintiff ignore and not to comply with the Rule of Law, or otherwise we will loose the integrity of compliance of the Rules set forth by this honorable Court; Therefore Every **matter in Request of Admission that was not responded to within the time provided for in Rule 36, Fed.R.Civ.P., is admitted; as matter of right** Plaintiff request the relief of damages sought in his complaint must granted or as deemed and appropriated by this Court as prescribed of justice and the law; and declare defendants in violations of his rights; to grant him relief for inherently

indefinable losses as "pain and suffering " must be set by tier of fact as deemed appropriate by this court in its own decision or with a decision of a Jury as Justice required.

CERTIFICATE OF SERVICE

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ANTHONY BAYAD, PRO SE
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Anthony Bayad

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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ANTHONY BAYAD ,

Plaintiff ,

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

JOHN CHAMBERS, PATRICIA
RUSSO, ANTHONY
SAVASTANO and CARL
WIESE,
Defendants ,

**SECOND MOTION IN SUPPORT TO PLAINTIFF MOTION TO GRANT ALL
RELIEF OF DAMAGES SOUGHT AGAINST CHAMBERS ET,AL.**

BACKGROUND

Plaintiff Bayad Pro Se introduced a motion to grant all relief of damages¹ sought against Chambers et., al., on about January 31, 2005, because **Defendants willfully ignored the process of the court and the Federal Rule of Civil Procedure** of time limitation said set forth by said Rules , **34, and 36**, and the time to otherwise answer has **expired** and had not been **extended**. Defendants Chambers et.,al., served their answer **on about January 24/28, 2005** , over the time prescribed by said Rule or set by both parties, and not Within the time

¹(Defendants and their attorneys engaged for the second time in conduct involving dishonesty, misrepresentation by committing perjury, lying and cheating in regard of a concrete evidence that was introduced to them so called **Cisco-No-hire-Policy** or list where Defendants classified or positioned or announced in it and state as follow: "**DO NOT HIRE/PROMOTE/TRANSFER ANTHONY BAYAD EMPLOYEE ID#73799, SHOULD YOU HAVE QUESTION CONTACT TONY SAVASTANO**")

provided for in **Rule 36, Fed. R. Civ. P.**, and in accordance with said Rule, as they have been instructed by plaintiff: "you shall serve upon Plaintiff a **written answer or objection** addressed to each matter set forth below under " **Request Admission**" Every **matter not responded to within the time provided for in Rule 36, Fed.R.Civ.P., is admitted**".

STATEMENT OF FACT

According to the Federal Rule of Civil Procedures , Rule 16, 26, and 34 , Plaintiff Bayad provided to Defendants a copy of a **Concrete Evidence** called **Cisco-No-hire-Policy** or list where Defendants **classified** or **positioned** or **announced** Bayad in it and state as follow: "DO NOT HIRE/PROMOTE/TRANSFER ANTHONY BAYAD EMPLOYEE ID#73799, SHOULD YOU HAVE QUESTION CONTACT TONY SAVASTANO", also the list contains Cisco Agents or Representatives in contact of all the **Potential Employers** where Plaintiff Bayad may be hire, also the list (Cisco-No-Hire-list) contains Hundred to Thousand of names of **Minorities** not to be hired; On about **November 23, 2004, December 10, 2004, December 13, 2004**, Plaintiff served his Set of Interrogatories and Request of Admission, and Request of Production of Documents on Chambers, Savastano, and Wiese; and on About January 24 and 28 , 2005, Defendants and their attorneys **responded** to Plaintiff ' Request of Interrogatories and Request of Admission , Where they engaged in dishonesty, lies, and misrepresentation in refer of the Concrete Evidence the **Cisco-No-Hire-Police, was asked and subjected in the** Interrogatories and Admission , additionally Bayad provided them a hard and soft copy; Hence Intentionally attorneys and Defendants " responded" **with lies to cover up the Cisco-No-Hire-List, they responded it did not Exist, not one time but for 10 times of denial that it exists.** It was denied that it **did not Exist** , not once but **10 Times "No Existence" of the Cisco-No-Hire-List**; and On about **February 3, 2005** Attorney **Robin Tarr** with the Firm Piper Rudnick and Gray Carry **served and provided** to Plaintiff of some request of Production of Documents

where She , Mark Chandlers, Bruce Falby, Bob Mathiews, Lisa Goodheart (They believe they are above the Law) without understanding the severity of their misconduct , included in their package the copy of Cisco-No-Hire-Policy list that did not exists in their answer of written interrogatories, and now it does exists and then they [p]roduced it to Plaintiff Bayad; Hence this is the second time that Defendants and their attorneys have misrepresented malice, Intend with knowledge to commit perjury in this litigation, as they are acting prejudicially to the administration of Justice and to Plaintiff because he is from Morocco and proceeding Pro Se.

DISCUSSION

Perjury is lying or making verifiable false statements under oath in a court of law. Perjury is a crime because the Defendants has sworn to tell the truth, and for the credibility of the court, Defendants testimony must be relied on as being truthful. It is seen as a very serious crime as it seeks to usurp the authority of the courts, because it can lead to miscarriages of justice.

Defendants and their attorneys have *affirmed* they are telling the truth. (Affirmation is used by Defendants unable to swear to tell the truth. For example, in the United Kingdom a witness may swear on the Bible or other holy book. But if a witness has no religion, or does not wish to swear on a holy book, they may make an affirmation that they are telling the truth instead.)

Perjury also applies when Defendants have made a statement *under penalty of perjury*, even if they have not been sworn or affirmed before an appropriate official. An example of this is the United States' income tax return, which, for public policy reasons, must be signed as true and correct under penalty of perjury as with the Interrogatories and admission (Rule 34 and 36).

Statements of interpretation of fact are not perjury because people often make inaccurate statements unwittingly and not deliberately but that was not the fact in this case with the Defendants. Defendants and their attorneys may have honest but mistaken beliefs about certain

facts or their recollection may be inaccurate but that was not the case here. Like all other crimes in the common law system, to be convicted of perjury you have to have had the intention (the mens rea) to commit the act, and to have actually committed the act (the actus reus) as in this case with the Defendants Chambers et.,al.,and their attorneys Mark Chandlers, Bruce Falby, Bob Mathiews, Lisa Goodheart.

Defendants and their attorneys (Mark Chandlers, Bob Matthias, Bruce Falby, Robbin Tarr, and Lisa Good Heart), have purposely neglected the Law of this Land, the Federal Rule of Civil Procedures of This Honorable Court, and the Rule of Professional Ethics of the Bar, their (Both Defendants and their Attorneys) misconduct is matter of recurrences basis for discipline, regardless of lawyers' motives; and motives may of course influence the sanction, and the likelihood of discipline increase as the number of neglect matters increase; **See in Matter of Snow, 530 N.Y.S.2d 886 (2d Dept.1988)**, a pattern of neglect of several matter resulted in one year suspension; additionally their misconduct provide onerous consequences of **Default judgment**, for willful failure to comply with the Rule of Law as they attempting to take upon them selves the power to misrepresent malice, Destroying Evidence once Before in this litigation, Attorneys and their Defendants acting in concert to commit fraud and perjury, as they are attempting to take upon them selves the power to "CON" the law and in doing so, found them selves in **Default Judgment , Civil Contempt, and probably disbarment.**

CONCLUSION


It is the responsibility of the lawyer in this case to probe; testimonial interrogation, and examination in particular, is a probing, prying, pressing form of inquiry. If a Defendants evades, it is the lawyer's responsibility to recognize the evasion and to bring his Defendants back to the mark, to flush out the whole truth with the tools of honest examination, and it is very wrong to misrepresent malice with intend to commit dishonesty perjury as it is against our ethics, and

therefore Every **matter in Request of Admission that was not responded to within the time provided for in Rule 36, Fed. R. Civ. P., is admitted; as matter of right** Plaintiff request the relief of damages sought in his complaint must be granted or as deemed and appropriated by this Court as prescribed of justice and the law; and declare defendants in violations of his rights; to grant him relief for inherently indefinable losses as “pain **and suffering** “ must be set by tier of fact as deemed appropriate by this court in its own decision or with a decision of a Jury as Justice required.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of Second MOTION IN
SUPPORT GRANTING PLAINTIFF ALL RELIEF OF DAMAGES SOUGHT
AGAINST CHAMBERS ET, AL. was furnished via U.S. mail to : Bruce E. Falby, BBO #544143,
PIPER RUDNICK LLP, One International Place, Boston MA 02110, this 7 day of February
2005 .

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Anthony Bayad

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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ANTHONY BAYAD ,)

Plaintiff ,)

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

JOHN CHAMBERS, PATRICIA)

RUSSO, ANTHONY)

SAVASTANO and CARL)

WIESE,)

Defendants ,)

**THIRD MOTION OF
ATTORNEY BRUCE E. FALBY ' STATEMENTS SET ON THE RECORDS BEFORE
THIS COURT ON 2/7/05 IN SUPPORT TO PLAINTIFF MOTION TO GRANT ALL
RELIEF OF DAMAGES SOUGHT AGAINST CHAMBERS ET.AL.**

STATEMENT OF FACT

Attorney For Defendants Bruce E. Falby stated on the record at the pretrial hearing on **February 7 , 2005** that the fact behind of his misconduct of not complying with the Rule of the Court the Federal Rule of Civil Procedure, is Defendant John Chambers ' mother has passed away (she Died), additionally he was silent (a sign of a smoking gun) in regard of the rest or other Defendants Savastano and Wiese, who served their answer **on about January 24/28, 2005** , over the time prescribed by said Rule or set by both parties, and not Within the time provided for in **Rule 36, Fed. R. Civ. P.**, and in accordance with said Rule, as they have been instructed by plaintiff : "you shall serve upon Plaintiff a **written answer or objection** addressed to each matter set forth below under " **Request Admission**" Every **matter not responded to within the time provided for in Rule 36, Fed.R.Civ.P., is admitted**". Further more this

honorable Court directed Plaintiff Bayad that the Second Set of Interrogatories served to Defendant Savastano should be withdrawn because it did not comply with the Rule of Civil Procedure and it was over the numbers prescribed set by said Rules and the numbers are 25, and Plaintiff respectfully waived his Second Request of Interrogatories that was served to Defendants Savastano to be answered, even though it was in accordance with such Rules and Said Rules and with time prescribed by said Rules, 30 days and not 68+ days as Defendants have done.(please see the Record set at the Pretrial Hearing).

DISCUSSION

This Honorable Court did not allow Plaintiff Bayad to go over the numbers of Written interrogatories set for by this Court the Rule of Civil Procedure and the numbers are 25 as he complied fully with said Rules and in accordance with said Rules and with time prescribed by said Rules and with the demand of Defendants Attorney Bruce E. Falby ‘ Discover Scheduled called the Piper Rudnick gray Carry.

Additionally this Honorable Court must also enforce its own Rules on **Defendants** the Rules of Civil Procedures of **the time prescribed by said Rule or set by both parties**, and over the time provided for in **Rule 36, Fed. R. Civ. P.**, and in accordance with said Rule, as they have been instructed by plaintiff: “you shall serve upon Plaintiff a **written answer or objection** addressed to each matter set forth below under “ **Request Admission**” Every **matter not responded to within the time provided for in Rule 36, Fed.R.Civ.P., is admitted**”.

Attorney Bruce Falby for Defendants “ argued” and provided a pretext reason for not complying with the Rule of Law that will not stand by introducing a pretext that John Chambers has a personal matter, knowingly that Attorney Bruce Falby has the **POWER OF ATTORNEY** over his clients Chambers et.,al., to sign and respond on Behalf of his CLIENT (Chambers), his team OF ATTORNEYS formulated by Mark Chandlers the Cisco in House attorneys who also

can sign on behalf of Defendant Chambers , Bob Matthias, Robin Tarr, and Lisa Goodheart with Piper Rudnick and Gray Carry, who prepared all the responses and objected to all of them, it wont be an issue to sign on behalf of his client in this case the Defendants Chambers.

Additionally if one Defendant as Chambers failed to answer as prescribed by said Rules, plaintiff argue that why other Defendants as Savastano and Wiese who **did not comply** with time prescribed by said Rule or set by both parties; and at last it is a matter of Principal and Ethic as it is a clear abuse of discretion of Attorney Bruce Falby who did not ask for an extension and intentionally did not comply with the Rule of law .

CONCLUSION

This honorable Court must apply its Rules of Law a cross the board and with fairness as justice required on Defendants as it has executed on Plaintiff Bayad proceeding Pro Se , and therefore Every **matter in Request of Admission that was not responded to within the time provided for in Rule 36, Fed. R. Civ. P., is admitted; as matter of right** Plaintiff request the relief of damages sought in his complaint must be granted or as deemed and appropriated by this Court as prescribed of justice and the law; and declare defendants in violations of his rights; to grant him relief for inherently indefinable losses as “pain **and suffering** “ must be set by tier of fact as deemed appropriate by this court in its own decision or with a decision of a Jury as Justice required.

CERTIFICATE OF SERVICE

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Anthony Bayad

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

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ANTHONY BAYAD ,

Plaintiff ,

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

JOHN CHAMBERS, PATRICIA

RUSSO, ANTHONY

SAVASTANO and CARL

WIESE,

Defendants ,

**EXHIBIT ATTACHED HERETO MARKED NUMBER 8
IN SUPPORT TO PLAINTIFF ' CLAIMS SET FORTH IN HIS
COMPLAINT AND HIS MOTION TO GRANT ALL RELIEF OF
DAMAGES SOUGHT AGAINST CHAMBERS ET.AL.**

Plaintiff respectfully introduce Exhibit numbered 8 titled the CISCO SENSITIVE LIST and called the CISCO-NO-HIRE-LIST, WHERE defendant ANTHONY SAVASTANO has Announced, Classified and Broadcast Plaintiff Bayad ' name during his employment with him at Cisco Systems, and state as Follow:

" DO NOT HIRE/PROMOTE/TRANSFER ANTHONY BAYAD EMPLOYEE #73799, SHOULD YOU HAVE QUESTION CONTACT TONY SAVASTANO". Defendant Savastano ' conduct was in violation of BUSINESS CODE AND ETHICS OF CISCO SYSTEMS AND IN VIOLATION OF THE LAW. Additionally the list contains all the names of potential employers (Cisco Partners/Resellers) that may hire Bayad and contains Cisco Representatives or Agents in direct contact with these Cisco Resellers/Partners and potential Employers, whom may have hired Bayad and who has not been able to find Job and have not worked for about 7 years.

Additionally Defendant Savastano used his authority as Director or Executive outside the scope of his duty and the Rules of the Cisco Business Ethics, to act for personal reason to Announce , Classify, and Broadcast **BAYAD** ' name in **NO-HIRE-LIST**, while Bayad was Employed with Defendant; Bayad was offered a Job as System Engineer for North Africa Region, and Cisco Managers and Executives of Europe invited Bayad for 3 set of Interviews , One was conducted in United Arab Emirate, City Dubai, Second conducted in France city of Paris and Third and last was conducted in England the city of London. Bayad was qualify for the position because he was a native of North Africa and speaks the Dialect and the Language, and was denied that Position because the Decision was standing at Corporate and his Name was in Cisco-No-Hire-List.

Additionally Defendants and their Attorneys have lied in the Request of Interrogatories and admission that was served to them by Plaintiff Bayad , where they were asked and subjected "10 times" to the use and the content of the **EXHIBIT 8** introduced to them the **Cisco Sensitive** called **CISCO-NO-HIRE-LIST**; Both Defendants and their attorneys responded in the answer in the Request of Interrogatories and Admission with denial and lies in refer to the list that was produced to them and docketed before this Court, and then they Produced it (the List CISCO-NO-HIRE-LIST) now it exist, and it is a shame that the list contains also 100 to 1000 of names of only Minorities announced in it as Bayad not to be Hired.

STATEMENT OF INTEREST

Equality, Fairness and Justice

The **Torah** (Old Testament) commands "**justice, justice we shall pursue.**" That means that everybody must be treated equally and fairly. That also means that we cannot sit or stand by silently while there is injustice. We must act. Despite the apparent fact that Muslim Arabs committed the recent horrific acts of terrorism, we must not assault


innocent people and buildings just because they look like they might be Arabs or Muslim. After the Japanese attack on Pearl Harbor, many Japanese Americans were assaulted and confined. They were Americans. They were innocent of any wrongdoing. The United States later acknowledged that the way that those Americans were treated was wrong. Hitler and the Nazis assaulted and tried to exterminate the Jewish people because of their Jewish heritage. Other groups targeted by the Nazis include the handicapped, homosexuals, Jehovah's Witnesses, Poles, Sinti and Roma (Gypsies). We must learn from that lesson and stop any generalized assaults on our fellow Americans who are Arabs, Americans who look like Arabs, and PURSUING JUSTICE IN THIS COURT OF LAW, THE United States District of Massachusetts -- Honorable Chief Magistrate Judge Bowler presiding.

God bless America and all Americans of our diverse backgrounds and heritage

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of Second **MOTION IN SUPPORT GRANTING PLAINTIFF ALL RELIEF OF DAMAGES SOUGHT AGAINST CHAMBERS ET,AL.** was furnished via U.S. mail to : Bruce E. Falby, BBO #544143, PIPER RUDNICK LLP, One International Place, Boston MA 02110, this 9 day of February 2005 .

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Anthony Bayad